

REMARKS

Applicants observe that the office action dated 6 June 2003 (the "Office Action") failed to include an initialed page 5 of 5 of the form PTO -1449, therefore, attached is another copy, and Applicants request that either this copy or the original copy be initialed by the Examiner and returned with the next office action.

Applicants further submit that the originally filed IDS included English abstracts for all of the non-English references. These abstracts were, however, bundled together rather than being attached to each non-English reference. For the Examiner's convenience, there is attached hereto a second set of copies of the non-English references together with the English language abstracts.

With respect to documents DA and DB, English equivalents were submitted to replace the Russian documents as cited in the IDS. Hence, the Examiner initialed the correct documents.

With regard to the number of pages of document AT, the observation made by the Examiner is correct and it is requested to ignore this number.

Furthermore, it is confirmed that Joseph 5,489,371 corresponds with DE 4225904 (document AK).

The statement concerning Gottermeier 4,273,639 appears to be made out of context and may be obsolete in the light of the below amendments to the claims.

Claims 1-12 are pending in this application. Claims 1-12 were rejected in the Office Action. Applicant has amended claims 1, 2, 5 to 8, 11 and 12, cancelled claims 3, 4, 9 and 10 and added new claims 13-20 in order to more particularly and completely claim the present invention. No new matter has been introduced. Allowance of claims 1, 2, 5 to 8 and 11 to 20 is respectfully requested.

The new claims now include a measuring electrode with a membrane and a discharge element adapted to release an aqueous solution or gel directly from said at least one reference electrode onto said membrane of said at least one measuring electrode.

In light of the rejections under 35 U.S.C 112, second paragraph, applicants are not positively claiming the wellbore effluent. However, applicants claim a discharge element adapted to release into a wellbore effluent an aqueous solution (claims 5, 11) . In other words, the discharge element includes an opening or passage to the wellbore or to a sample of wellbore effluent.

In addition to the amendments of claim 1, claim 7 now includes further elements reciting a structural difference to the sensor of claim 1.

In the light of the rejections under 35 U.S.C 102(b), the amended claim are not anticipated by Fang 5,518,590, Hansen 4,018,660, or Matsuoka 4861453 , as these references do not disclose a discharge element.

With regard to the rejections under 35 U.S.C 103(a), applicants submit that the amended claims are not obvious over Fang, Hansen, or Matsuoka in view of Yonco 4,818,366 or Whitehead 3,410,779.

The discharge apparatus disclosed by Yonco and Whitehead are adapted to discharge exclusively around the reference electrode. The discharge apparatus disclosed by Yonco and Whitehead is not adapted to discharge directly from said at least one reference electrode onto said membrane of said at least one measuring electrode.

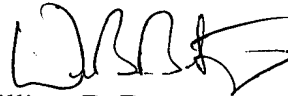
Furthermore, claims 5 to 6 and 11 to 12 are not rendered obvious, as both, Yanco and Whitehead, fail to teach a discharge element adapted to discharge directly from said at least one reference electrode onto said membrane of said at least one measuring electrode.

With regard to the rejection under 35 U.S.C 102(a) over WO 99/56120, the amended claims now include a discharge element not present in WO 99/56120.

Since the amended claim language is not taught by the cited documents alone or in combination, it is respectfully submitted that the prior art rejections be withdrawn.

In light of the above amendments and remarks, applicant believes that the present application and claims are in proper condition for allowance. Such allowance is earnestly requested. If the Examiner is contemplating any action other than allowance of all pending claims, the Examiner is urged to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Batzer', with a stylized flourish at the end.

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